

ORDINANCE NO. 3613

AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON, AMENDING CHAPTER 15.04, BUILDING CODE, BY ADOPTING THE 2012 INTERNATIONAL BUILDING CODE; 2012 INTERNATIONAL RESIDENTIAL CODE; 2012 INTERNATIONAL MECHANICAL CODE; 2012 UNIFORM PLUMBING CODE; 2012 INTERNATIONAL EXISTING BUILDING CODE; 2012 WASHINGTON STATE ENERGY CODE; 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE; AND INCREASING CERTAIN FEES

WHEREAS, Chapter 19.27 RCW requires that all jurisdictions in the state adopt by reference and enforce the State Building Code as adopted by the State Building Code Council; and,

WHEREAS, the Washington State Building Code Council on November 9, 2012 voted to adopt the 2012 Editions of the National Model Codes, with Washington State amendments; and,

WHEREAS, the 2012 International Building Code, 2012 International Residential Code, 2012 International Mechanical Code, Washington State Energy Code are documents that are adopted by the State Building Code Council as parts of the State Building Code; exceptions to the International Codes include the 2012 Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials; and,

WHEREAS, the City Council desires to adopt provisions for administration and enforcement of the State Building Code; and,

WHEREAS, this action is considered a procedural action which is categorically exempt from the State Environmental Policy Act (SEPA) threshold determination; and these amendments do not need to be transmitted to the Department of Commerce consistent with RCW 36.70A.106(1) as they are not development regulations; and,

WHEREAS, a notice of public hearing was published on September 6, 2013; and,

WHEREAS, The City utilized the State Attorney General Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property for evaluating constitutional issues, in conjunction with and to inform its review of the Ordinance. The City has utilized the process, a process protected under Attorney-Client privilege pursuant to law including RCW 36.70A.370(4), with the City Attorney's Office which has reviewed the Advisory Memorandum has discussed this Memorandum, including the "warning signals" identified in the Memorandum, with decisions makers, and conducted an evaluation of all constitutional provisions potentially at issue and advised of the genuine legal risks, if any, with the adoption of this Ordinance to assure that the proposed regulatory or administrative actions did not result in an unconstitutional taking of private property, consistent with RCW 36.70A.370(2); and,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, WASHINGTON, DOES ORDAIN AS FOLLOWS:

SECTION ONE. The City Council does hereby adopt the above listed recitals as set forth fully herein.

SECTION TWO. That Section 15.04.020, Adopted Codes, of the Mount Vernon Municipal Code is hereby repealed and re-enacted, with the new Section to read as follows:

15.04.020 Adopted Codes.

The following codes are hereby adopted by reference, subject to modifications and/or amendments hereinafter set forth in this chapter. The referenced codes are for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use, occupancy, location and maintenance of buildings and structures:

- A. International Building Code, 2012 Edition, published by the International Code Council, amended by Chapter 51-50 WAC, and specifically including Appendices E (Accessibility), and G (Flood-Resistant Construction);
- B. International Residential Code (IRC), 2012 Edition, published by the International Code Council, amended by Chapter 51-51 WAC, specifically including Appendices G (Swimming Pools), J (Existing Buildings and Structures), and R (Dwelling Unit Fire Sprinkler Systems), and specifically excluding Chapters 11, 25 through 43, and Appendix S;
- C. International Mechanical Code (IMC), 2012 Edition, published by the International Code Council, and amended by Chapter 51-52 WAC, except that the standards for liquefied petroleum gas installations shall be the NFPA 58 (Storage and Handling of Liquefied Petroleum Gases) and ANSI Z223.1/NFPA 54 (National Fuel Gas Code);
- D. Uniform Plumbing Code (UPC), 2012 Edition, published by the International Association of Plumbing and Mechanical Officials, together with all supplements and amendments thereto, and subject to the modifications set forth in Chapters 51-56 and 51-57;
- E. International Existing Building Code, 2012 Edition, published by the International Code Council and amended by Chapter 50-50 WAC;
- F. International Fuel Gas Code, 2012 Edition, published by the International Code Council and amended by RCW 19.27.170 and Chapter 51-57 WAC;
- G. International Property Maintenance Code, 2012 Edition, published by the International Code Council;
- H. International Performance Code for Buildings and Facilities, 2012 Edition, published by the International Code Council;
- I. State Building Code adoption and amendment of the 2012 edition of the International Energy Conservation Code with Appendix Chapters, Commercial. Set forth in Chapter 51-11C of WAC;
- J. State Building Code adoption and amendment of the 2012 edition of the International Energy Conservation Code and Appendix Chapters, Residential. Set forth in Chapter 51-11R of WAC;
- K. Chapter 11 and other International Building Code requirements for barrier-free access, including ICC A117.1-2009 an Appendix E, are adopted pursuant to chapters 70.92 and 19.27 RCW.
- L. Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, published by the International Conference of Building Officials;

- M. Installation of factory built housing and commercial structures, RCW 43.22.460, together with WAC 296-150C-0540, 296-150F-0540 and the installation of manufactured and mobile homes, RCW 43.22.440 and WAC 296-150M-0650;
- N. In case of conflict among the codes numerated in subsections A through M of this section, the first named code shall govern over those following.

SECTION THREE. That Section 15.04.040, International Building Code Amendments, of the Mount Vernon Municipal Code is hereby repealed and re-enacted, with the new Section to read as follows:

15.04.040 International Building Code Amendments.

A. Section 104.8 of the International Building Code, the Edition as outlined above within MVMC 15.04.020, is hereby amended to read as follows:

104.8 – Liability.

The building official, or his authorized representative charged with the enforcement of this code, acting in good faith and without malice in the discharge of his duties required by this code or other pertinent law or ordinance, shall not thereby be rendered personally liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of his duties. Any suit brought against the building official or employee because of such act or omission performed by him in the enforcement of any provision of this code shall be defended by legal counsel provided by this jurisdiction until final termination of such proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reasons of the inspections authorized by this code or any certificates of inspection issued under this code.

Enforcement of this code shall not be construed to be for the particular benefit of any individual person or group of persons, other than the general public. In the event of a conflict between the intent of this section and any other section or subsection herein, this subsection shall govern insofar as applicable.

B. Section 105.1 of the International Building Code, the Edition as outlined above within MVMC 15.04.020, is amended to read as follows:

105.1 - Permits Required.

No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building, structure, parking facility, or parking lot in the city, except as specified in Section 105.2, or cause the same to be done, without obtaining a separate building permit for each such building, structure, or parking

facility from the building official, nor shall any person, firm, or corporation excavate, fill, or grade for any purpose in the city, or cause the same to be done, without first obtaining a permit therefore from the building official.

C. Sections 105.1.1 and 105.1.2 are amended to read as follows:

105.1.1 Annual permit. Delete this entire subsection. Annual permits shall not be issued within the City of Mount Vernon.

105.1.2 Annual permit records. Delete this entire subsection. Annual permit records shall not be valid within the City of Mount Vernon.

D. Section 105.2 of the International Building Code, the Edition as outlined above within MVMC 15.04.020, is amended to delete paragraph 2 and add an enumerated paragraph “14” to the numbered paragraphs therein, as follows:

105.2 - Work Exempt from Permit.

2. Delete Fences not over 7 feet (2134mm) high.

14. Pursuant to WAC 51-50-007 Exceptions, Permits will not be required for the installation or relocation of framed membrane structures or tent type structures as defined in Chapter 3102.2, provided that:

- The structure is used exclusively for the protection or propagation of plants; and
- The structure is located a minimum of 20 feet from any property line or other structure.

E. Section 113.1 of the International Building Code, the Edition as outlined above within MVMC 15.04.020, is hereby amended to read as follows:

113.1 - General.

In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the city of Mount Vernon.

The building official and fire chief shall be ex officio members of said Board but shall have no vote on any matter before the Board. The Board of Appeals shall be appointed by the mayor and shall hold office at the mayor’s pleasure. The Board shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

F. Section 3002.4 of the International Building Code, the Edition as outlined above within MVMC 15.04.020, is amended to read as follows:

3002.4 Elevator car to accommodate ambulance stretcher.

In all structures four or more stories above grade plane or four or more stories below grade plane, and in all groups A, B, E, I, R1, R2, R4 and LC occupancies where elevators are installed at least one elevator shall be provided for fire department emergency access to all floors. Such elevator car shall be provided with a minimum clear distance between walls and door including return panels, of not less than 86 inches by 54 inches (2184 mm by 1272 mm), and a minimum distance from wall to return panel of not less than 51 inches (1295mm with a 42 inch (1067 mm) side slide door, unless otherwise designed to accommodate an ambulance-type stretcher 86 inches (2184 mm) by 26 inches (660 mm) in the horizontal open position. The elevator shall be identified by the international symbol for emergency medical services (star of life). The symbol shall not be less than 3 inches (76 mm) high and shall be placed inside on both sides of the hoist way door frame. The symbol shall be placed no lower than 78 inches (1981 mm) from the floor level or no higher than 84 inches (2134 mm) from the floor level.

G. Section 3304.1 of the International Building Code, the Edition as outlined above within MVMC 15.04.020, Edition, is amended to read as follows:

3304.1 – Excavation and fill.

All stumps and roots shall be removed from the soil to a depth of at least twelve inches (12”) below the surface of the ground in the area to be occupied by the building.

All wood forms which have been used in placing concrete, if within the ground or between foundation sills and the ground, shall be removed before a building is occupied or used for any purpose. Before completion, loose or casual wood shall be removed from direct contact with the ground under the building.

The finished grade and elevation under the building shall be above the ground drainage flow of the land around the building to prevent surface or subsurface water from draining to the space under the building, provided that alternates may be used if shown on the building plans and approved by the building official, such as drain tile, or exterior drainage of the building, or an approved sump pump system. At least two percent (2%) gradient toward approved drainage facilities is required from building walls unless waived by the building official for non-hill terrain. Approved sump pump systems shall in no case be connected to the sanitary sewer system.

Tight lined downspout and perimeter building drains may be connected together at a point no closer than 10 feet from a building. Drainage shall flow away from the building, away from adjoining property, and shall not create a nuisance.

H. Section 3304 of the International Building Code, the Edition as outlined above within MVMC 15.04.020, is amended to add the following paragraph and read as follows:

3304.1.5 – Hazards.

Whenever the building official determines that a proposed or existing excavation, embankment, or fill on any land within the city of Mount Vernon is or may become a hazard to life or limb, endangers property, adversely affects the environment or the safety, use, or stability of a public way, or adversely affects a drainage channel or other natural watercourse by siltation, erosion, diversion, concentration, or an increase in storm water runoff, the owner of the property upon which the excavation or fill is located or other person or agent in control of said property shall upon receipt of notice from the building official repair or eliminate such excavations, embankments, or fill so as to eliminate the hazard and be in conformance with the requirements of this code.

I. Section 3313 is hereby added to the International Building Code, the Edition as outlined above within MVMC 15.04.020, to read as follows:

3313 – Environmental impact statement.

An environmental impact statement shall be submitted where required by state statute.

J. Section 3410 of the International Building Code, the Edition as outlined above within MVMC 15.04.020, is amended to read as follows:

3410 - Moved Structures.

Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings or structures. No person shall move any building or structure into or within the city unless, prior to moving, said building or structure has been inspected for compliance with this code by the building official. The cost of said inspection fee shall be payable in advance and shall not be refundable. The inspection fee shall be based upon the following schedule:

- \$100.00 - When located within Mount Vernon.
- \$200.00 - When located outside the City of Mount Vernon.

A building permit is required for the improvements of the new site and must be obtained prior to the actual relocation of the building or structure. Plans for the site improvements should include a chronological time frame for completion of improvements and a security bond for improvements may be required at the discretion of the building official.

Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies, or fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the building official for a limited period of time. Such buildings or structures need not comply with the type of construction or fire-resistive time periods required by this code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

K. International Building Code, the Edition as outlined above within MVMC 15.04.020, Appendix Chapters D and H are hereby deleted.

SECTION FOUR. That Section 15.04.050, Conversions to Group B or M occupancies – International Building Code – Section 705 and Table 602 amended, of the Mount Vernon Municipal Code is hereby repealed and re-enacted, with the new Section to read as follows:

15.04.050 Conversions to Group B or M occupancies – International Building Code – Section 705 and Table 602 amended.

- A. Purpose.** The purpose of this section is to allow and promote as an allowed use within C-1, C-2, R-O, P-O zoning districts and as conditional uses within R-3 and R-4 zoning districts the conversion of existing residential dwellings, classified as Group R-3 occupancies under the International Building Code (IBC), to one or a combination of the following uses, classified as “Group B or M occupancies” under the IBC:
1. Banks;
 2. Barber shops;
 3. Beauty shops;
 4. Civic administration;
 5. Clinic - Outpatient
 6. Educational occupancies above the 12th grade;
 7. Electronic data processing;
 8. Florists and nurseries;
 9. Post offices;
 10. Print shops;
 11. Professional services such as attorney, dentist, physician, engineer;
 12. Radio and television stations;
 13. Telephone exchanges.
- B. International Building Code – Section 705 – Requirements Amended.** Wherever a Group R-3 occupancy is converted to a Group B or M occupancy as described in subsection A of this section, then any requirements set forth in Section 705 of the International Building Code for exterior wall and parapet construction shall be as described for Group R-3 occupancy, subject to the conditions and pursuant to those procedures set forth in subsection E of this section.
- C. International Building Code – Table 602 – Requirements Amended.** Wherever a Group R-3 occupancy is converted to a Group B or M occupancy as described in subsection A of this section, then any requirements set forth in Table 602 of the International Building Code for exterior wall and parapet construction shall be as described for Group R-3 occupancy, subject to the conditions and pursuant to those procedures set forth in subsection E of this section.
- D. Remaining IBC Requirements Unaffected.** All other requirements of the proposed conversion to Group B or M occupancy must comply with the current adopted edition of the International Building Code, including, but not limited to:
- Chapter 3 Use and Occupancy Classification requirements
 - Section 503 Construction, Height and Allowable Area
 - Section 1003 Access and Exit Facilities
 - Chapter 12 Light and Ventilation
 - Section 713 Shaft Enclosure

- E. Conditions.** The provisions of subsections B and C of this section shall be applicable only to conversions from Group R-3 occupancies to Group B or M occupancies as contemplated by subsection A of this section, and only if the following conditions have been met:
1. A team development meeting is recommended prior to submittal for approvals from planning, building, engineering or fire departments.
 2. The applicant must obtain all requisite written approvals from the planning, engineering and the fire departments prior to obtaining a permit through the building department.
 3. Building plans must be drawn to a recognized architectural scale and printed on a minimum of 18-inch by 24-inch paper. The applicant must submit four sets each of the following along with the building permit application form to the building department.
 - a. Site Plan. The site plan shall be drawn to scale using a recognized engineering scale; include site address, property tax account number, location of all property lines, location of all structures on the site and the distance to all property lines, all areas of paving, parking layout and landscaping. All items required by the planning department approval must be shown. The plans must include a ramp for accessibility in conformance with Chapters 10 and 11 of the IBC along with Washington State amendments. The distance to the nearest fire hydrant must also be included. Fire hydrants are required within 300 feet, instead of the 500 feet for residential use.
 - b. Floor Plans. Floor plans shall be included for all floors of the structure including the basement showing all interior walls and required exits. The plans shall designate the usage of each room. One rest room on the main floor shall be shown in detail and shall be accessible by the disabled in conformance with the WSBC. The extent of compliance required will be reviewed and approved on a case-by-case basis. All walls or portions of the structure to be demolished shall be shown. Any bearing support removed will require structural calculations for new members. The location of all new walls, additions or alterations to be made to the structure with details for all new construction shall be shown. Wall sections for new additions shall be included.
 - c. Plumbing/Heating Plans. Plumbing/heating plans showing any proposed modifications to plumbing and heating systems shall be indicated either on the floor plan or on a separate plan. Compliance with the nonresidential energy code is required. An electrical permit is required for all electrical work and may be obtained through the Community and Economic Development Department or Department of Labor and Industries located at 525 E. College Way, (360) 416-3000.
 4. When the one-hour fire wall requirement is eliminated, a monitored automatic fire alarm system consistent with recognized standards as provided in "NFPA 72, Code for Fire Alarm Systems" published by the National Fire Protection Association, shall be provided throughout any converted Group B or M occupancy.
 5. Certificate of Occupancy Required. Upon completion of all construction and site work a certificate of occupancy must be obtained from the building department before occupying the structure as an office.

SECTION FIVE. That Section 15.04.060, International Residential Code Amendments, of the Mount Vernon Municipal Code is hereby repealed and re-enacted, with the new Section to read as follows:

15.04. 060 International Residential Code Amendments.

A. Section 105.2 of the International Residential Code, the Edition as outlined above within MVMC 15.04.020, is amended to read as follows:

R105.2 Work exempt from permit.

Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m²).
2. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
3. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
4. Sidewalks and driveways.
5. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
6. Prefabricated swimming pools that are less than 18 inches (610 mm) deep.
7. Swings and other playground equipment.
8. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

Electrical:

Repairs and maintenance: A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.

5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

R105.2.1 Emergency repairs.

Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

R105.2.2 Repairs.

Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

R105.2.3 Public service agencies.

A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the City of Mount Vernon.

B. Table R301.2 (1), Climatic and Geographic Design Criteria, of the International Residential Code, the Edition as outlined above within MVMC 15.04.020, is amended to read as follows:

GROUND SNOW LOAD	WIND SPEED (mph)	SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM				WINTER DESIGN TEMP	FLOOD HAZARDS	ICE SHIELD UNDER- REQ	AIR FREEZING INDEX	MEAN ANNUA L TEMP
			WEATHERING	FROST DEPTH	TERMITE	DECAY					
25	85	D1	MOD	12	STM	TM	22	1985	NO	129	50.5

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., “negligible,” “moderate” or “severe”) for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1 (1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 97½-percent values for winter from Appendix D of the Uniform Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.
- f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- g. To establish flood hazard areas, the city has adopted flood hazard maps and supporting data. The flood hazard map shall include, at minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineered report entitled “The Flood Insurance Study for the City of Mount Vernon, Washington” dated January 3, 1985, as amended or revised with the accompanying Flood Insurance Rate map (FIRM) and related supporting data along with any revisions. The adopted flood hazard map and supporting data are hereby adopted by reference and declared part of this section. If there is a conflict between the provisions of this code and the city’s floodplain management ordinance, (MVMC 15.36) the most restrictive provisions shall prevail.
- h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with “YES”. Otherwise, the jurisdiction shall fill in this part of the table with “NO”.

- i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table “Air Freezing Index- USA Method (Base 32°Fahrenheit)” at www.ncdc.noaa.gov/fpsf.html.
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table “Air Freezing Index-USA Method (Base 32°Fahrenheit)” at www.ncdc.noaa.gov/fpsf.html.

C. Section R313 of the International Residential Code, the Edition as outlined above within MVMC 15.04.020, is not adopted.

D. Appendix S of the International Residential Code, the Edition as outlined above within MVMC 15.04.020, is not adopted.

SECTION SIX. That Section 15.04.070, International Mechanical Code Amendments, of the Mount Vernon Municipal Code is hereby repealed and re-enacted, with the new Section to read as follows:

15.04.070 International Mechanical Code Amendments.

Sections 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, and 1011 of the International Mechanical Code, the Edition as outlined above within MVMC 15.04.020, relating to boilers and pressure vessels are not adopted. Boilers and pressure vessels are regulated by Chapter 70.79 of the Revised Code of Washington and Chapter 296-104 of the Washington Administrative Code.

SECTION SEVEN. That Section 15.04.080, Uniform Plumbing Code Amendments, of the Mount Vernon Municipal Code is hereby repealed and re-enacted, with the new Section to read as follows:

15.04.080 Uniform Plumbing Code Amendments.

Chapters 12 and 15 of the Uniform Plumbing Code, the Edition as outlined above within MVMC 15.04.020, are not adopted.

SECTION EIGHT. That Section 15.04.100, International Property Maintenance Code Amendments, of the Mount Vernon Municipal Code is hereby repealed and re-enacted, with the new Section to read as follows:

15.04.100 International Property Maintenance Code Amendments.

Section 202, General Definitions, of the International Property Maintenance Code, the Edition as outlined above within MVMC 15.04.020, is hereby amended to add the following subsection:

Drug Properties and Structures. It is hereby declared that any building, structure and/or associated property wherein or upon which the manufacture, distribution, production or storage of illegal drugs or the precursors to create illegal drugs has taken place in a manner which could endanger the public, such building, structure and/or associated property is of a classification of property calling for the special procedures set forth in this section. The building official is authorized to abate dangerous conditions created by such buildings, structures and/or associated properties as follows:

- A. Due to public safety hazard in drug-production facilities, the utilities shall be disconnected;
- B. Building(s) and structures will be inspected to determine compliance with all city ordinances and codes;
- C. Building(s) and any entry gates to the property will be secured against entry in the manner noted in Section 14.16.060(1) of the code;
- D. No reconnection of utilities or reoccupancy of the building(s), structures or property shall be allowed until all violations have been remedied, and all dangerous conditions abated to the satisfaction of the building official and a notice of release for reoccupancy has been received from the health department.

SECTION NINE. That Section 15.04.130, Development within flood hazard areas, of the Mount Vernon Municipal Code is hereby repealed and re-enacted, with the new Section to read as follows:

15.04.130 Development within flood hazard areas.

All development within areas of special flood hazards as defined under Chapter 15.36 of the MVMC shall be further regulated pursuant to the regulations set forth in that Chapter as now or hereafter amended.

SECTION TEN. That Section 15.04.140, Administration and Enforcement, of the Mount Vernon Municipal Code is hereby repealed and re-enacted, with the new Section to read as follows:

15.04.140 Administration and Enforcement.

The building code of the city of Mount Vernon shall be administered and enforced by the Building Official of the city. The Building official of the City shall be deemed to be the authority charged with enforcement as defined in Section 104 of the International Building Code, Section 104 of the International Mechanical Code, and Section 104 of the International Fuel Gas Code. The building official shall also be deemed the "Authority having Jurisdiction" as such term is defined in Section 203 of the Uniform Plumbing Code, for the purpose of enforcing and administering the provisions of the Uniform Plumbing Code, the Edition as outlined above within MVMC 15.04.020.

SECTION ELEVEN. That Section 15.04.180, Fees, Building permit, mechanical permit, plumbing permit and plan check fees, of the Mount Vernon Municipal Code is hereby repealed and re-enacted, with the new Section to read as follows:

15.04.180 Fees, Building permit, mechanical permit, plumbing permit and plan check fees.

- A. General. Fees shall be assessed in accordance with the provisions of this section.
- B. Building Permit Fees. The fee for each permit shall be outlined below in Table A, B & C, provided that the city council may amend such Table A by appropriate resolution. The determination of value or valuation under any of the provisions of this code shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, and any other permanent equipment.

TABLE A - BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$23.50
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.75 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00, or fraction thereof.

Other inspections and fees:

1. Inspections outside normal business hours (minimum charge—two hours)	\$75.00 per hour*
2. Reinspection fees	\$75.00 per hour*
3. Inspections for which no fee is specifically indicated (minimum charge – one half hour)	\$75.00 per hour*
4. Additional plan review required by changes, additions Or revisions to plans	\$75.00 per hour*
5. For use of outside consultants for plan checking and Inspections, or both	Actual Costs**
6. Fence Permit Fee	\$15.00
7. Temporary Certificate of Occupancy	
First Temporary Certificate of Occupancy	\$100.00
Additional renewals each	\$250.00
8. Technology Fee	3% of Building Permit & Plan Check Fee

*Or the total hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

**Actual costs include administrative and overhead costs.

TABLE B – MECHANICAL PERMIT FEES

Permit Issuance and Heaters	
1. For the issuance of each mechanical permit	\$25.00
2. For issuing each supplemental permit for which the original permit has not expired, been canceled or finalized	\$6.50
Unit Fee Schedule (Note: The following do not include permit-issuing fee.)	
1. Furnaces	
For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance, up to and including 100,000 Btu/h(29.3kW)	\$25.00
For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance over 100,000 Btu/h (29.3kW)	\$40.00
For the installation or relocation of each floor furnace, including vent	\$25.00
For the installation or relocation of each suspended heater, recessed wall heater or floor-mounted unit heater	\$25.00
2. Appliance Vents	
For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit	\$15.00
3. Repairs or Additions	
For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating , cooling, absorption or evaporative cooling system, including installation of controls regulated by the Mechanical Code	\$15.00
4. Boilers, Compressors and Absorption Systems	
For the installation or relocation of each boiler or compressor to and including 3 horsepower (10.6 kW), or each absorption system to and including 100,000 Btu/h (29.3kW)	\$25.00
For the installation or relocation of each boiler or compressor over three horsepower (10.6kW) to and including 15 horsepower (52.7kW), or each absorption system over 100,000 Btu/h (29.3kW) to and including 500,000 Btu/h (146.6kW)	\$40.00
For the installation or relocation of each boiler or compressor over 15 horsepower (52.7kw) to and including 30 horsepower (105.5 kW), or each absorption system over 500,000 Btu/h (146.6kW) to and including 1,000,000 Btu/h (293.1kW)	\$52.00
For the installation or relocation of each boiler or compressor over 30 horsepower (105.5kW) to and including 50 horsepower (176kW), or each absorption system over 1,000,000 Btu/h (293.kW) to and including 1,750,000 Btu/h (512.9 kW)	\$70.00
For the installation or relocation of each boiler or compressor over 50 horsepower (176 kW), or each absorption system over 1,750,000 Btu/h (512.9 kW)	\$100.00
5. Air Handlers	
For each air-handling unit to and including 10,000 cubic feet per minute (cfm) (4719 L/s), including ducts attached thereto	\$15.00

Note: This fee does not apply to an air-handling unit which is a portion of a factory-assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in the Mechanical Code.	
For each air-handling unit over 10,000 cfm (4719 L/s)	\$20.00
6. Evaporative Coolers	
For each evaporative cooler other than portable type	\$15.00
7. Ventilation and Exhaust	
For each ventilation fan connected to a single duct	\$15.00
For each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit	\$15.00
For the installation of each hood which is served by mechanical exhaust, including the ducts for such hood. Type I/II Commercial Hoods	\$25/\$50
8. Incinerators	
For the installation or relocation of each domestic-type incinerator	\$25.00
For the installation or relocation of each commercial or industrial-type incinerator	\$80.00
9. Miscellaneous	
For each appliance or piece of equipment regulated by the Mechanical Code but not classed in other appliance categories, or for which no other fee is listed in the table	\$15.00
10. Gas Piping System	
For each gas-piping system one to five outlets	\$10.00
For each gas-piping system of five or more outlets, per outlet	\$2.00

Other Inspections and Fees

1. Inspection outside of normal business hours, per hour (minimum charge – two hours)	\$75.00*
2. Reinspection fees	\$75.00*
3. Inspections for which no fee is specifically indicated, per hour (minimum charge-one-half hour)	\$75.00*
4. Additional plan review required by changes, additions or revisions to plans or to plans for which an initial review has been completed (minimum charge-one-half hour)	\$75.00*

*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved

TABLE C - PLUMBING PERMIT FEES

Permit Issuance	FEE
1. For issuing each permit	\$25.00
2. For issuing each supplemental permit	\$10.00
Unit Fee Schedule (in addition to items 1 and 2 above)	
1. For each plumbing fixture on one trap or a set of fixtures on one trap (including water, drainage piping and backflow protection therefore)	\$10.00

2. For each building sewer and each trailer park sewer	\$15.00
3. Rainwater systems – per drain (inside building)	\$10.00
4. For each cesspool (where permitted)	\$25.00
5. For each private sewage disposal system	\$40.00
6. For each water heater and/or vent	\$10.00
7. For each gas-piping system of one to five outlets	\$10.00
8. For each additional gas piping system outlet, per outlet	\$2.00
9. For each industrial waste pretreatment interceptor including its trap and vent, except kitchen-type grease interceptors functioning as fixture traps	\$10.00
10. For each installation, alteration or repair of water piping and/or water treating equipment, each	\$10.00
11. For each repair or alteration of drainage or vent piping, each fixture	\$10.00
12. For each lawn sprinkler system on any one meter including backflow protection devices therefore	\$10.00
13. For each backflow protective device other than atmospheric type vacuum breakers:	
2 inch (51 mm) diameter and smaller	\$10.00
over 2 inch (51 mm) diameter	\$15.00
14. For each gray water system	\$40.00
15. For initial installation and testing for a reclaimed water system	\$30.00
16. For each annual cross-connection testing of a reclaimed water system (excluding initial test	\$30.00
17. For each medical gas piping system serving one to five inlet(s)/outlet(s) for a specific gas	\$60.00
18. For each additional medical gas inlet(s)/outlet(s)	\$5.00

Other Inspections and fees

1. Inspections outside of normal business hours	\$75.00*
2. Reinspection fee	\$75.00*
3. Inspections for which no fee is specifically indicated	\$75.00*
4. Additional plan review required by changes, additions or revisions to approved plans (minimum charge – one-half hour)	\$75.00*

*Per hour for each hour worked or the total hourly cost to the jurisdiction, whichever is greater. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of all the employees involved.

C. Plan Review Fees. With respect to plans submitted for plan review in connection with an application for a building permit, the applicant shall be responsible for the payment of a plan review fee. Such fee shall be due and payable regardless of whether a building permit is issued.

D. Building Permit Fees and Plan Review Fees. When submittal documents are required by

IBC Section 106.3.2, a plan review fee shall be paid at the time the permit application is submitted. Such plan review fee shall be 65 percent of the building permit fee for Commercial, Industrial, Mixed Use and Multifamily Residences with 3 or more units. Single Family Residences and Duplexes plan review fee would be \$100.00 at permit application submittal. A flat fee of \$25.00 for additions and accessory structures for Single Family Residences and Duplexes. This includes, but not limited to, garages, sheds, decks, sunrooms, living spaces, and bonus rooms. The plan review fees specified in this section are separate fees from the permit building permit fees, and are in addition to the building permit fees. When submittal documents are changed so as to require additional plan review or when the project involves deferred submittal items as defined in IBC Section 106.3.4.2, an additional plan review fee shall be charged at the rate shown in Table A.

- E.** Temporary Certificate of Occupancy Fees. The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. Application for a temporary certificate of occupancy shall require a fee of \$100.00 for the first TCO and each additional renewal fee will be \$250. Standard time frame for Temporary Certificates of Occupancy shall be 30 days.
- F.** Payment of Permit Fees. Upon notification by the city that a permit application has been approved, the applicant shall submit payment to the city for all permit fees for which approval has been received, including plan review fees, within 60 days of the date by which such notification was given. All permit applications shall expire by limitation on a date 60 days after the date on which the applicant was notified by the city that the permit application had been approved by the city. Notification shall be given by any means reasonably calculated by the city to provide the applicant with notice that the applicant's permit may be issued, and may include notice by telephone, facsimile, or through the U.S. mail. The applicant shall promptly advise the city of any changes that would limit or otherwise hinder the city in contacting the applicant.
- G.** Notwithstanding the subsection E of this section, where a plan review has been conducted and a permit approved for issuance, but no permit is issued due through no fault attributable to the city, an applicant may submit plan review fees to the city within 60 days of the date in which the applicant was notified by the city that the permit application had been approved whereupon the plan review will remain valid for an additional period of 30 days from the date of payment. Such plan review may be used to support a subsequent application for a building permit for an identical project within that 30-day period, and in such event the applicant need not pay an additional plan review fee; provided, that in the event of a change in any laws or regulations during such 30-day period, the validity of the plan review will terminate, and a new plan review, with appropriate payment of fees, must accompany any subsequent application.
- H.** Where a plan review has been conducted, but no building permit is issued, it shall be the applicant's responsibility to pick up all submitted plans and documents within six weeks following payment of the plan review fees. Following such six-week period, the plans and documents may be discarded or destroyed by the city.

- I. Reinspections.** A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called are not made. This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of the codes, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.
- J. Investigation Fees – Work without a Permit.**
1. Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made by the building official before a permit may be issued for such work.
 2. An investigation fee, in addition to the permit fee and plan review fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in Table A. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.
- K. Fee Refunds.** The building official may authorize refunding any fee paid hereunder which was erroneously paid or collected. The building official may authorize refunding not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code. The building official shall not authorize the refunding of any fee paid except upon the written application filed by the original permittee no later than 180 days after the date of fee payment. Plan review fees are not refundable.

SECTION TWELVE. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

SECTION THIRTEEN. City staff are hereby directed to complete preparation of the final ordinance, including correction of any typographical or editorial edits.

SECTION FOURTEEN. This ordinance shall be in full force and effect five days after its passage, approval and publication as provided by law.

PASSED AND ADOPTED this 11th day of September, 2013.

SIGNED AND APPROVED this ____ day of September, 2013.

Alicia D. Huschka, Finance Director

Jill Boudreau, Mayor

Approved as to form:

Kevin Rogerson, City Attorney

Published _____